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Dated: September 2, 2008 Signature: /Bryan J. Lempia/

Bryan J. Lempia

Docket No.: 10000-02 GRA-01A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Bruce Williams et al.

Application No.: 10/676,447

Confirmation No.: 7057

Filed: October 2, 2003

Art Unit: 3636

For: Child Seat

Examiner: Erika P. Garrett

APPELLANTS' BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Appeal Brief is submitted in furtherance of the Notice of Appeal, which was both filed in this case and received by the U.S. Patent and Trademark Office on July 1, 2008. Payment of the necessary fee under 37 C.F.R. § 41.20(b)(2) has been authorized via deposit account debit upon filing this paper.

TABLE OF CONTENTS

This brief contains items under the following headings as required by
37 C.F.R. §41.37 and M.P.E.P. §1205.02:

I.	Real Party In Interest
II	Related Appeals and Interferences
III.	Status of Claims
IV.	Status of Amendments
V.	Summary of Claimed Subject Matter
VI.	Grounds of Rejection to be Reviewed on Appeal
VII.	Argument
VIII.	Claims Appendix
IX.	Evidence Appendix
X.	Related Proceedings Appendix

I. REAL PARTY IN INTEREST

The real party in interest for this appeal is GRACO CHILDREN'S PRODUCTS INC. An assignment to same was recorded on May 1, 2002, at Reel 012853, Frame 0603 in parent U.S. application No. 10/072,601 (now U.S. patent No. 7,066,536). The instant application is a division of the referenced parent application.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals, interferences, or judicial proceedings that will directly affect, be directly affected by, or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

A. Status of All Claims

All pending claims 43-46 and 59-64 in the application stand rejected under 35 U.S.C. §102(b).

B. Claims On Appeal

The claims on appeal are claims 43-46 and 59-64.

IV. STATUS OF AMENDMENTS

The present application was filed on October 2, 2003. The status of all amendments is as follows:

- Response after Non-Final Action 9/15/2004 - entered
- RCE Filed after Final Action 2/28/2005 - entered
- Response after Non-Final Action 6/17/2005 - entered
- Response after Final Action 10/19/2005 - entered
- Request for Pre-Appeal Conference 1/9/2006 - entered
- Response after Non-Final Action 6/5/2006 - entered
- RCE Filed after Final Action 1/29/2007 - entered
- Response after Non-Final Action 5/29/2007 - entered
- Response after Non-Final Action 11/14/07 - entered

The Office responded to the November 14, 2007 response with another final action mailed on June 17, 2008 and rejecting all pending claims. This Appeal results from that final action.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent claim 43 is directed to a child seat 10 for use in a vehicle (page 8, paragraph [0042]) that has a base 200 and a seating surface (page 4, paragraph [0015], page 8, paragraph [0044]), an armrest 250 connected to the base 200 on a side of the seating surface (page 6, paragraph [0021], pages 8 and 9, paragraphs [0045] and [0046], FIG. 2). The armrest 250 is adjustable along a straight line (FIG. 2) between a first height position relative to the seating surface and a second height position relative to the seating surface (page 9, paragraph [0046], pages 10, and 11, paragraphs [0052] and [0053]). The armrest 250 includes only one connecting portion (FIG. 2) that slidably telescopes relative to a corresponding receiving portion 240 of the base 200 (FIG. 2). The child seat 10 is configured for placement on a seat of the vehicle (page 8, paragraph [0042]). The child seat 10 has a belt path configured to receive and locate relative to the child a lapbelt of a restraint system of the vehicle (page 9, paragraph [0046]). One of the receiving portion 240 and the connecting portion includes a slot 242 for receiving a tab 255 located on the other of the receiving portion 240 and the connecting portion (page 11, paragraph [0054], FIG. 2).

Independent claim 46 is directed to a child seat 10 for seating a child within a vehicle that has a base 200 having a seating surface (page 4, paragraph [0015], page 8, paragraph [0044]), an armrest 250 connected to the base 200 on a side of the seating surface and positioned on the side of the seating surface (page 6, paragraph [0021], page 8, paragraph [0043], FIG. 2). The armrest 250 is adjustable along a straight line (FIG. 2) between a first height position relative to the seating surface and a second height position relative to the seating surface (pages 10 and 11, paragraph [0053]). The armrest 250 includes a connecting portion (FIG. 2) that slidably fits into a corresponding receiving portion 240 of the base 200. The child seat 10 is configured for placement on a seat of the vehicle (page 8, paragraph [0042]). The child seat 10 has a belt path configured to receive and locate relative to the child a lapbelt of a restraint system of the vehicle (page 9, paragraph [0046]). One of the receiving portion 240 and the connecting portion includes a slot 242 for receiving a protrusion 260 on a resilient flexible tab 255 integrally formed as part of the other of the receiving portion 240 and the connecting portion (page 10, paragraph [0052], FIG. 2, FIG. 18).

Independent claim 59 is directed to a child seat 10, for seating a child within a vehicle. The seat has a base 200 having a seating surface (page 4, paragraph [0015], page 8, paragraph [0044]) defining a seat bottom, a pair of armrests 250 connected to the base 200 and positioned on opposite sides of the seating surface (page 6, paragraph [0021], page 8, paragraph [0043], FIG. 2). Each armrest 250 is adjustable along a straight line (FIG. 2) between first and second height positions and wherein a majority of movement of each armrest 250 between the first and second height positions is vertically toward and away from the seat bottom (pages 10 and 11, paragraph [0053]). Each armrest 250 includes only one connecting portion (FIG. 2) that slidably fits over a corresponding single receiving portion 240 of the base (page 11, paragraph [0054], FIG. 18). Each armrest 250 includes holes 242 for receiving protrusions 260 from the receiving portion 240 of the base 200 (page 10, paragraph [0052]). The child seat 10 is configured for placement on a seat of the vehicle (page 8, paragraph [0042]).

Independent claim 60 is directed to a child seat 10 for seating a child within a vehicle (page 8, paragraph [0042]). The seat has a base 200 including a seating surface (page 4, paragraph [0015], page 8, paragraph [0044]), and an armrest 250 having only one connecting portion (FIG. 2) surrounded by, telescopically received in, and slidable relative to a receiving portion 240 of the base 200 on a side of the seating surface (pages 8 and 9, paragraphs [0045] and [0046], FIGS. 1 and 2). The armrest 250 is adjustable along a straight line (FIG. 2) in a vertical direction generally perpendicular to the seating surface (pages 10 and 11, paragraph [0053], FIG. 2). The armrest 250 includes a tab 255 that fits into a receiving slot 242 of the base 200 (page 10, paragraph [0052]). The child seat 10 is configured for placement on a seat of the vehicle [page 8, paragraph [0042]]. The child seat 10 has a belt path configured to receive and locate relative to the child a lapbelt of a restraint system of the vehicle (page 9, paragraph [0046]).

Independent claim 61 is directed to child seat 10 for seating a child within a vehicle. The seat has a base 200 having a seating surface (page 4, paragraph [0015], page 8, paragraph [0044]), and a pair of armrests 250 positioned and connected to the base 200 on opposite sides of the seating surface (pages 8 and 9, paragraphs [0045] and [0046], FIG. 2). Each armrest 250 is adjustable in a vertical direction (FIG. 2) and armrest movement is substantially upward and downward relative to the seating surface (pages 10 and 11,

paragraph [0053], FIG. 2). Each armrest 250 has only one connecting portion (FIG. 2) telescopically movable over a receiving portion 240 of the base 200 received within the connecting portion (FIG. 2). Each receiving portion 240 of the base 200 includes a resilient flexible tab 255 integrally formed as part of the receiving portion 240 and protrusions 260 on the flexible tab 255 (page 10, paragraph [0052]). The child seat is configured for placement on a seat of the vehicle (page 8, paragraph [0042]). The child seat 10 has a belt path configured to receive and locate relative to the child a lapbelt of a restraint system of the vehicle (page 9, paragraph [0046]).

Independent claim 62 is directed to a child seat 10 for seating a child within a vehicle. The child seat 10 has a base 200 with a seating surface (page 4, paragraph [0015], page 8, paragraph [0044]), and a pair of armrests 250 each positioned on and connected to the base 200 on opposite sides of the seating surface (page 11, paragraph [0054], FIG. 18). Each armrest 250 is adjustable between first and second positions substantially toward and away from the seating surface (pages 10 and 11, paragraph [0053]). Each armrest 250 includes a connecting portion (FIG. 18) that fits around a corresponding receiving portion 240 of the base 200 (page 11, paragraph [0054], FIG. 18). Each receiving portion 240 includes a resilient flexible tab 255 integrally formed as part of the receiving portion 240 and a protrusion 260 on the flexible tab 255 (page 10, paragraph [0052]). Each connecting portion (FIG. 18) includes first and second slots 242 to receive the protrusion 260 (page 11, paragraph [0054]). The first and second slots 242 correspond to the first and second positions, respectively (FIG. 18). The child seat 10 is configured for placement on a seat of the vehicle (page 8, paragraph [0042]).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 43-46 and 59-64 have been rejected under 35 U.S.C. §102(b) as being anticipated by Boyer, U.S. Patent No. 4,967,864 (Boyer). This sole ground of rejection is presented for review.

VII. ARGUMENT

Pending claims 43-46 and 59-64 are not anticipated by Boyer, U.S. Patent No. 4,967,864 (Boyer).

A. **Boyer Does Not Anticipate Independent Claims 43, 59, 60 and 61 Having the Limitation of an Armrest with Only One Connecting Portion**

Claim 43 recites, among other things, a child seat for seating a child within a vehicle that has an armrest *with only one* connecting portion that slidably telescopes relative to a corresponding receiving portion of the base.

Boyer discloses a modular power drive wheelchair 10 with a seat module 14 that has a seat 16. The seat 16 has two side panel units 100 which in turn each support an adjustable armrest unit 102. Each side panel unit 100 has *two* open sockets 108. Each armrest unit 102 includes *two* support posts 110. The two support posts 110 are interconnected at the upper ends by a cushioned armrest 112. The two support posts 110 of each armrest unit 102 are received, respectively, in the two open sockets 108 of the corresponding side panel unit 100 (col. 7, lines 60-63). Furthermore, the two support posts 110 of each armrest unit 102 are clearly evident in FIGS. 1 and 5 of Boyer.

Plainly, Boyer does not disclose an armrest having *only one* connecting portion. Thus, Boyer fails to teach or suggest an armrest that has *only one* connecting portion that slidably telescopes relative to a corresponding single receiving portion of the base, as recited in claim 43. For at least this reason, Boyer fails to anticipate or render obvious claim 43.

Claim 59 recites a child seat having a pair of armrests connected to the base. Similar to claim 43, claim 59 also recites that each armrest includes *only one connecting portion* that slidably fits over a corresponding single receiving portion of the base. For the same reasons stated above with respect to claim 43, Boyer fails to teach or suggest an armrest that has *only one connecting portion*. Thus, Boyer fails to anticipate or render obvious claim 59 for at least this reason.

Likewise, claim 60 also recites a child seat with the similar limitation of an armrest having *only one connecting portion* surrounded by, telescopically received in, and slidable relative to a receiving portion of the base on a side of the seating surface. Again, for the reasons stated above with respect to claim 43, Boyer fails to teach or suggest an armrest that

has *only one connecting portion*. Thus, Boyer also fails to anticipate or render obvious claim 60 for at least this reason.

Similarly, claim 61 recites a child seat with a pair of armrests connected to the base and that each armrest has *only one connecting portion* telescopically movable over a receiving portion of the base received within the connecting portion. Again, as stated above with respect to claim 43, Boyer fails to teach or suggest an armrest that has *only one connecting portion*. Thus, Boyer also fails to anticipate or render obvious claim 61 for at least this reason.

B. Boyer Does Not Anticipate Independent Claims 43, 46, 60, and 61 Having the Limitation of a Belt Path

Claim 43 further recites a child seat for seating a child within a vehicle that has a belt path configured to receive and locate relative to the child a lapbelt of a restraint system of the vehicle.

Boyer discloses a modular power drive wheelchair 10 that may be disassembled to allow the modular parts of the wheelchair 10 to be transported in the trunk of a standard passenger car (col. 2, lines 6-21, col. 4, lines 38-40). The wheelchair 10 includes a seat module 14 that mounts to and dismounts from a base module 12. The seat module 12 has a seat 16, and the seat module 12 can be placed in the car's trunk after removal from the base module. Boyer does not disclose a "child seat" for a vehicle, as one of ordinary skill in the art would understand. Boyer also makes no mention of a belt path on the seat 16 or module 14 for a lapbelt of a vehicle's restraint system. Boyer only discloses putting the seat module in the trunk of a car for transport of the wheelchair.

The Office action has stated that Boyer discloses a belt path, but the action points to nothing in Boyer as support for this statement. To the contrary, Boyer does not disclose any seat, much less a child seat, having a belt path for a vehicle's restraint system. Furthermore, Boyer doesn't disclose or mention any restraint system as a component of either the modular wheelchair (if one were to equate the wheelchair to the claimed vehicle) or any other vehicle in which the wheelchair might be transported. Boyer fails to teach or suggest a child seat having a belt path for a vehicle's restraint system, as recited in claim 43. For at least this additional reason, Boyer fails to anticipate or render obvious claim 43.

Claim 46 also recites a child seat that has a belt path configured to receive a restraint system of the vehicle. For the reasons stated above with respect to claim 43, Boyer fails to teach or suggest a child seat having a belt path. Thus, Boyer fails to anticipate or render obvious claim 46 for at least this reason.

Claim 60 also recites a child seat that has a belt path configured to receive a restraint system of the vehicle. Thus, for the same reasons noted above with respect to claim 43, Boyer fails to teach or suggest a child seat having a belt path. Thus, Boyer fails to anticipate or render obvious claim 60 for at least this additional reason.

Finally, claim 61 also recites a child seat that has a belt path as recited in claim 43. Again, for the same reasons as stated above, Boyer fails to teach or suggest a child seat having a belt path. Thus, Boyer fails to anticipate or render obvious claim 61 for at least this additional reason.

C. Boyer Does Not Anticipate Independent Claims 43, 46, and 59-62 Having the Limitation of a Child Seat Configured for Placement on a Vehicle Seat

Claim 43 recites a child seat for seating a child within a vehicle wherein the child seat is configured for placement on the seat of a vehicle. Boyer does not anticipate this additional limitation of claim 43.

The modular wheelchair 10 of Boyer has a seat module 14 with a seat 16. The seat module is configured to rest on and is removably attached to the base module 12 of the wheelchair. The wheelchair 10 may be disassembled to allow the wheelchair to be transported in the trunk of a passenger car as mentioned above. When the seat module 14 is removed from the base module 12, there is no seat of any kind remaining on the base module. If the seat module 14 or seat 16 is then equated to the claimed child seat, the wheelchair itself cannot equate to the vehicle with a vehicle seat as claimed. There would be no vehicle seat as claimed.

If the action is in fact equating the seat module 14 or seat 16 of the Boyer wheelchair to a child seat as claimed, the action does not do so expressly. Even so, the claim requires that the child seat *be configured for placement on* a seat of a vehicle. Boyer does not disclose or suggest that the seat or seat module are so configured. Boyer only discloses placing the seat module 14 in the trunk of a car for transport of the disassembled wheelchair. Boyer

discloses nothing more. Boyer does not disclose that any portion of the seat 16 or module 14 is configured in any way for placement on the vehicle's seat. For at least these reasons, Boyer fails to teach or suggest a child seat configured for placement on a seat of the vehicle, as recited in claim 43. Thus, Boyer fails to anticipate or render obvious claim 43 for at least this additional reason.

Claim 46 recites the same limitation of a child seat configured for placement on a seat of the vehicle. As noted above with respect to claim 43, Boyer fails to teach or suggest such a child seat. Thus, Boyer fails to anticipate or render obvious claim 46 for at least this additional reason.

Claim 59 also recites the same limitation of a child seat configured for placement on a seat of the vehicle. For the same reasons stated above with respect to claim 43, Boyer fails to teach or suggest such a child seat. Thus, Boyer fails to anticipate or render obvious claim 59 for at least this additional reason.

Claim 60 also recites this same limitation of claim 43 as noted above. For the same reasons set forth above with respect to claim 43, Boyer fails to teach or suggest a child seat configured for placement on a seat of the vehicle. Thus, Boyer fails to anticipate or render obvious claim 60 for at least this additional reason.

Claim 61 also recites this same limitation of claim 43 as noted above. For the same reasons as set forth above with respect to claim 43, Boyer fails to teach or suggest a child seat configured for placement on a seat of the vehicle. Thus, Boyer fails to anticipate or render obvious claim 61 for at least this additional reason.

Lastly, claim 62 also recites a child seat configured for placement on a seat of the vehicle. For the same reasons as set forth above with respect to claim 43, Boyer fails to teach or suggest such a child seat. Thus, Boyer fails to anticipate or render obvious claim 62 for at least this reason.

D. Boyer Does Not Anticipate Independent Claims 46, 61, and 62 Having the Limitation of a Resilient Flexible Tab Integrally Formed as Part of One of the Armrest Portions

Claim 46 recites that one of the receiving portion and the connecting portion includes a slot for receiving a protrusion *on a resilient flexible tab integrally formed as part of the other* of the receiving portion and the connecting portion. Boyer does not anticipate this additional limitation of claim 46.

Each of the Boyer armrests has two support posts 110 and at least one of them has apertures 114 along the post. A corresponding one of the open sockets 108, configured to receive one of the posts 110, is described as having a spring loaded latch pin 116 to releasably lock the armrest unit at the selected height position. See col. 7, lines 52-67, and FIGS. 5 and 6. The spring loaded latch pin is a multiple component assembly which would require several parts and several assembly operations to create, as shown and described. The assembly has a spring, a pin attached to the spring, and a spring housing attached to the open socket 108 and into which the spring is mounted. Boyer clearly does not disclose or suggest a resilient flexible tab *integrally formed as part of* one of the posts 110 or open sockets 108.

Boyer does not disclose *a resilient flexible tab integrally formed as part of the other* of the receiving portion and the connecting portion. For at least these reasons, Boyer fails to teach or suggest a child seat armrest with a receiving portion and a connection portion, as recited in claim 46. Thus, Boyer fails to anticipate or render obvious claim 46 for at least this additional reason.

Claim 61 similarly recites that each receiving portion of the base includes a resilient flexible tab integrally formed as part of the receiving portion. As noted above with respect to claim 46, Boyer fails to teach or suggest a child seat with armrests having such integral resilient flexible tabs, as recited in claim 61. Thus, Boyer fails to anticipate or render obvious claim 61 for at least this additional reason.

Claim 62 recites essentially the same limitation of a resilient flexible tab integrally formed as part of the receiving portion of the armrests. For the same reasons set forth above with respect to claims 46 and 61, Boyer fails to teach or suggest a child seat with armrests having such resilient flexible tabs, as recited in claim 62. Thus, Boyer fails to anticipate or render obvious claim 62 for at least this additional reason.

**E. The Issuance of Nine (9) Office Actions Violates the PTO's Rules
Requiring a Thorough Investigation of the Best Available Prior Art**

The PTO has issued nine (9) office actions in the instant application to date. Each new action has cited different references or reference combinations in rejecting the claims. However, the subsequent actions have not cited art that is better or closer than the art cited in preceding actions. Except for the last action culminating in the present Appeal, the appellants' responses have overcome each and every rejection. Yet, the PTO continues to issue new actions. In at least three of the actions, the PTO rejects the claims based on earlier-cited references, despite further narrowing amendments and the appellants' prior successful traversal of the earlier rejections. The appellants struggle to understand how a resurrected reference becomes more pertinent after the claims have been narrowed.

In another instance, the PTO first cited the above-discussed Boyer reference in the *eighth* Office action as a *secondary* reference for an obviousness rejection. In the subsequent ninth office action, in the face of narrower claims, the Boyer reference is somehow transformed into a §102(b) reference, *anticipating* all of the pending claims.

The Office has failed to provide the appellants with an economical, efficient, and quality examination process in the instant application. The issuance of nine (9) office actions, citing a seemingly endless stream of sometimes previously-cited and sometimes newly-cited references, is not reflective of a thorough, thoughtful examination. Certainly such a scattershot approach to examination does not satisfy the dictates of 37 CFR. According to 37 CFR §1.104(a)(1), the PTO is required to thoroughly and thoughtfully examine the application. This section states:

[T]he examiner *shall* make a thorough study thereof and *shall* make a thorough investigation of the available prior art relating to the *subject matter* of the claimed invention. The examination *shall be complete* with respect ... to the patentability of the invention as claimed ... (emphasis added)."

Similarly, 37 CFR Section 1.104(c)(2) mandates reliance on the best-available prior art, stating "[i]n rejecting claims for want of novelty or for obviousness, the examiner *must* cite the best references at his or her command (emphasis added)."

The MPEP, at §707.05, also addresses the requirement for a thorough and thoughtful examination, stating:

During the examination of an application or reexamination of a patent, the examiner *should* cite appropriate prior art which is nearest to the subject matter defined in the claims. The examiner *must* consider all the prior art references (alone and in combination) cited in the application ... (emphasis added).

The MPEP at §707.07(g) expressly discourages a scattershot or “piecemeal” approach to examination, stating that:

Piecemeal examination should be avoided as much as possible. The examiner ordinarily should reject each claim on all valid grounds available, avoiding, however, undue multiplication of references.”

Nevertheless, despite the fact the 37 CFR as well as the MPEP expressly foster a thorough and efficient examination process, the examination of the present application has not lived up to the standards set forth above. Instead, the PTO has cited a multiplicity of references, sometimes moving away from a reference, only to once again rely on that same reference in a later action as an obviating or an anticipatory reference in the face of now-narrowed claims. Such has been the tenor of the examination provided by the PTO in this application. The resultant examination has, without any justification, amounted to a classic piecemeal examination.

Perhaps MPEP §904.03 best articulates the standard to which the PTO should aspire, stating:

[It] is a prerequisite to a *speedy* and *just* determination of the issues involved in the examination of an application that a *careful* and *comprehensive* search ... be made in preparing the first action on the merits so that the second action on the merits can be made final or the application allowed *with no further searching other than to update the original search*. It is normally not enough that references be selected to meet only the terms of the claims alone, especially if only broad claims are presented ... (emphasis added).

Despite all of the foregoing, the search and examination of the present application amounts to a repetitive cycle of rejection, traversal, and re-rejection of narrowed claims. The same references somehow seem to be considered as getting better as the claims have become narrower.

It is abundantly clear to the appellants that the Examiner does not believe the pending claims and/or the invention to be patentable. Not all inventions are patentable. However, it

is readily apparent that the PTO cannot find any reference or proper combination of references that anticipate or support a proper *prima facie* case of obviousness. For this reason alone, the claim rejections should be withdrawn and all pending claims should be allowed.

Dated: September 2, 2008

Respectfully submitted,

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VIII. CLAIMS APPENDIX

The following claims were last amended on November 14, 2007 by the appellants and before the final rejection from which this appeal is taken.

1-42. (Canceled)

43. A child seat for seating a child within a vehicle, the child seat comprising:
a base having a seating surface;

an armrest connected to the base on a side of the seating surface and positioned on the side of the seating surface;

wherein the armrest is adjustable along a straight line between a first height position relative to the seating surface and a second height position relative to the seating surface;

wherein the armrest includes only one connecting portion that slidably telescopes relative to a corresponding receiving portion of the base;

wherein the child seat is configured for placement on a seat of the vehicle;

wherein the child seat has a belt path configured to receive and locate relative to the child a lapbelt of a restraint system of the vehicle; and

wherein one of the receiving portion and the connecting portion includes a slot for receiving a tab located on the other of the receiving portion and the connecting portion.

44. The child seat of claim 43, wherein the receiving portion includes a second slot and wherein the first and second slots correspond to the first and second positions of the armrest.

45. The child seat of claim 44, wherein the tab is attached to a flexible portion of the connecting portion of the armrest thereby allowing the tab to disengage with the slot when the tab is depressed.

46. A child seat for seating a child within a vehicle, the child seat comprising:
a base having a seating surface;
an armrest connected to the base on a side of the seating surface and positioned on the side of the seating surface;
wherein the armrest is adjustable along a straight line between a first height position relative to the seating surface and a second height position relative to the seating surface;
wherein the armrest includes a connecting portion that slidably fits into a corresponding receiving portion of the base;
wherein the child seat is configured for placement on a seat of the vehicle;
wherein the child seat has a belt path configured to receive and locate relative to the child a lapbelt of a restraint system of the vehicle; and
wherein one of the receiving portion and the connecting portion includes a slot for receiving a protrusion on a resilient flexible tab integrally formed as part of the other of the receiving portion and the connecting portion.

47-58. (Canceled)

59. A child seat for seating a child within a vehicle, the child seat comprising:
a base having a seating surface defining a seat bottom;
a pair of armrests connected to the base and positioned on opposite sides of the seating surface;
wherein each armrest is adjustable along a straight line between first and second height positions and wherein a majority of movement of each armrest between the first and second height positions is vertically toward and away from the seat bottom;
wherein each armrest includes only one connecting portion that slidably fits over a corresponding single receiving portion of the base;
wherein each armrest includes holes for receiving protrusions from the receiving portion of the base; and
wherein the child seat is configured for placement on a seat of the vehicle.

60. A child seat for seating a child within a vehicle, the child seat comprising:
a base including a seating surface;
an armrest having only one connecting portion surrounded by, telescopically received in, and slidable relative to a receiving portion of the base on a side of the seating surface;
wherein the armrest is adjustable along a straight line in a vertical direction generally perpendicular to the seating surface;
wherein the armrest includes a tab that fits into a receiving slot of the base;
wherein the child seat is configured for placement on a seat of the vehicle; and
wherein the child seat has a belt path configured to receive and locate relative to the child a lapbelt of a restraint system of the vehicle.

61. A child seat for seating a child within a vehicle, the child seat comprising:
a base having a seating surface;
a pair of armrests positioned and connected to the base on opposite sides of the seating surface;
wherein each armrest is adjustable in a vertical direction and wherein armrest movement is substantially upward and downward relative to the seating surface;
wherein each armrest has only one connecting portion telescopically movable over a receiving portion of the base received within the connecting portion;
wherein each receiving portion of the base includes a resilient flexible tab integrally formed as part of the receiving portion and protrusions on the flexible tab;
wherein the child seat is configured for placement on a seat of the vehicle; and
wherein the child seat has a belt path configured to receive and locate relative to the child a lapbelt of a restraint system of the vehicle.

62. A child seat for seating a child within a vehicle, the child seat comprising:
a base having a seating surface;
a pair of armrests each positioned on and connected to the base on opposite sides of the seating surface;
wherein each armrest is adjustable between first and second positions substantially toward and away from the seating surface;
wherein each armrest includes a connecting portion that fits around a corresponding receiving portion of the base;
wherein each receiving portion includes a resilient flexible tab integrally formed as part of the receiving portion and a protrusion on the flexible tab;
wherein each connecting portion includes first and second slots to receive the protrusion, the first and second slots corresponding to the first and second positions, respectively; and
wherein the child seat is configured for placement on a seat of the vehicle.

63. The child seat of claim 59, wherein the child seat has a belt path configured to receive and locate relative to the child a lapbelt of a restraint system of the vehicle.

64. The child seat of claim 62, wherein the child seat has a belt path configured to receive and locate relative to the child a lapbelt of a restraint system of the vehicle.

IX. EVIDENCE APPENDIX

No additional evidence is submitted herewith in support of the Brief.

X. RELATED PROCEEDINGS APPENDIX

No related proceedings are pending and no related decisions have been rendered.